

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)	
)	
i2way Request for Declaratory Ruling)	
Regarding the Ten-Channel Limit)	WT Docket No. 02-196
of Section 90.187(e) of the Commission's)	
Rules)	
)	
Hexagram Petition to Deny i2way)	
Applications)	

TO: The Commission

**MOTION OF HEXAGRAM, INC. FOR DESIGNATION OF PROCEEDING
AS "PERMIT-BUT-DISCLOSE" UNDER THE EX PARTE RULES**

Pursuant to Section 1.1208 (Note 2) of the Commission's Rules, Hexagram, Inc. requests that the Application for Review phase of the above-captioned proceeding be conducted in accordance with the permit-but-disclose provisions of Section 1.1206.

The Bureau Order in this proceeding denied one party's waiver request and dismissed another party's Petition to Deny.¹ That Order is now subject to conflicting Applications for Review from both sides. Taken together, these Applications for Review raise questions relating to how the Commission integrates new technologies into existing rules. The proceeding thus

¹ *i2way Request for Declaratory Ruling*, in WT Docket No. 02-196, Order, DA 03-1044 (Wireless Telecom. Bur. released April 1, 2003).

involves "issues of broadly applicable policy rather than the rights and responsibilities of specific parties,"² and so should be opened to permit-but-disclose procedures.

Respectfully submitted,

Mitchell Lazarus
FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209
703-812-0440
Counsel for Hexagram, Inc.

May 29, 2003

² 47 C.F.R. Sec. 1.1208 (Note 2).

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, an employee of the firm of Fletcher, Heald & Hildreth, PLC, certify that this day of May 29, 2003, I have caused the foregoing "Motion of Hexagram, Inc. for Designation of Proceeding As 'Permit-But-Disclose' under the Ex Parte Rules" to be sent by first class mail, postage prepaid, to the persons named below, except that persons identified as being affiliated with the Federal Communications Commission were instead served by hand delivery and by email.

Chairman Michael Powell
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

John Muleta, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
Washington, D.C. 20554

William W. Kunze, Esq.
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
Washington, D.C. 20554

Paul D'Ari, Chief
Policy and Rules Branch
Wireless Telecommunications Bureau
Federal Communications Commission
Washington, D.C. 20554

Gayle Heazlett
Enterprise Infrastructure Manager
Denver Water
1600 West 12th Avenue
Denver, CO 80201-3412

Jeremy Denton
Director, Government Affairs
Robin Landis
Regulatory Affairs Assistant
Industrial Telecommunications
Association, Inc.
1110 North Glebe Road, Suite 500
Arlington, VA 22201

Mary E. Brooner
Director, Telecommunications
Strategy & Regulation
Bette Rinehart
National Regulatory Affairs Administrator
Motorola Inc.
1350 I Street, NW, Suite 400
Washington, DC 20005

Larry Miller
President
Land Mobil Communications Council
1110 North Glebe Road, Suite 500
Arlington, VA 22201-5720

L. Sue Scott-Thomas
KNS Communications Consultants
10265 West Evans Avenue
Denver, CO 80227-2089

Robert De Buck
Buck Electric Company
PO Box 1458
Edgewood, NM 87015-1458

The Honorable Pete Domenici
United States Senate
Washington, DC 20510-3101

John L. Jones
Entranosa Water & Wastewater Association
PO Box 2380
Tijeras, NM 87059

The Honorable Jeff Bingaman
United States Senate
703 Hart Senate Office Building
Washington, DC 20510-3102

Frederick J. Day, Esq.
Day & Cukier
5673 Columbia Pike, Suite 110
Falls Church VA 22041
Counsel for i2way Corporation

Deborah N. Lunt